



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 7, 1996

Mr. Joe Bridges
Assistant District Attorney
Denton County
Counsel to the Sheriff
127 North Woodrow Lane
Denton, Texas 76205

OR96-0913

Dear Mr. Bridges:

As counsel to the Denton County Sheriff, you ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40368.

The Denton County Sheriff received a request for its dispatch logs "on a daily basis."¹ You assert that the release of telephone numbers and incident locations will violate the privacy rights of sexual assault victims. You also assert that the disclosure of certain incident locations will reveal information about juvenile offenders. Further, you inform us that the Denton County Sheriff's Department dispatches not only sheriff's deputies, but also provides dispatch services for law enforcement, fire, and ambulance services for smaller communities in Denton County. You explain that since the Denton County Sheriff's Department does not have access to the incident reports or the follow-up investigations of other governmental entities for whom the sheriff provides dispatching services, the sheriff cannot know whether the release of the location of a call for services by another governmental body will implicate an individual's privacy rights. Consequently, you seek to withhold from required public disclosure the portions of the logs that record the location of *all* reported incidents in order "to protect individual privacy rights."

¹We note that a governmental body need not honor a standing request, such as the one here, in which information is sought on a daily basis. See Open Records Decision No. 465 (1987). Even though the requestor has yet to ask for the dispatch records of a particular day, you evidently are anticipating that she will do so and seek our advice about what you must withhold from disclosure in that event.

We agree that the sheriff must not release information that identifies a sexual assault victim. Such information is protected from required public disclosure pursuant to the common-law right to privacy in conjunction with section 552.101 of the Government Code. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977); Open Records Decision Nos. 628 (1994), 393 (1983). The common-law right to privacy also protects from required public disclosure information that identifies an individual who attempts suicide or otherwise experiences emotional or mental distress. See Open Records Decision No. 422 (1984). The release of information about juvenile offenders is governed by the Family Code.²

However, the fact that the location and telephone number may in some cases disclose confidential information does not, we think, justify the protection of all such information. It is clear from a review of the submitted dispatch logs that very few of the incidents involve a sexual assault or a juvenile offender or some other individual whose privacy would be implicated by the release of the location information. Furthermore, in most cases the sheriff can easily conclude that a particular incident does not involve a sexual assault or a juvenile offender, as for example, the incident is described as "warrant service," or "loose livestock" or "animal bite report." We suggest that in those rare cases in which the sheriff provides dispatch services to another governmental body and the sheriff cannot determine from the log whether the location should not be released, the sheriff should contact that other governmental body to obtain the necessary information to make that determination. See Gov't Code § 552.352 (providing criminal penalties for release of confidential information).

In conclusion, section 552.101 of the Government Code only excepts information that is made confidential by law. The law does not make confidential the location and telephone information of every reported offense. Rather, only those locations and numbers of persons who have a common-law or statutory right to have their identities shielded from public disclosure are made confidential by law and must be withheld pursuant to section 552.101 of the Government Code.

²The release of law enforcement records of offenses committed by a juvenile before January 1, 1996 is governed by former Family Code section 51.14(d). The Family Code was substantially amended by the Seventy-fourth Legislature including the repeal of former Family Code section 51.14(d). Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590. However, the amendments to the Family Code apply only to conduct that occurs on or after January 1, 1996. *Id.* § 106, 1995 Tex. Sess. Law Serv. at 2591. "Conduct that occurs before January 1, 1996, is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose." *Id.* Of course, here, we cannot determine which law applies, since we do not have a request for a particular dispatch record.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", written in a cursive style.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 40368

Enclosures: Submitted documents

cc: Ms. Donna Fielder
Denton Publishing Company
P.O. Box 369
Denton, Texas 76201
(w/o enclosures)